

**LARAMIE COUNTY CLERK
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM PROCESSING FORM**

1. DATE OF PROPOSED ACTION: December 5, 2017

2. AGENDA ITEM: ☐ Appointments ☐ Bids/Purchases ☐ Claims
☐ Contracts/agreements/leases ☐ Grants ☐ Land Use: Variances/Board App/Plats
☐ Proclamations ☐ Public Hearings/Rules & Reg's ☐ Reports & Public Petitions
☐ Resolutions ☐ Other

3. DEPARTMENT: County Clerk

APPLICANT:

AGENT: Debra Lee

4. DESCRIPTION: PUBLIC HEARING regarding a resolution adopting rules establishing hours of operation.

Amount \$

From

To

5. DOCUMENTATION:

Originals

Copies

All items are due into the County Clerk's office by noon the Wednesday preceeding the Board meeting. All items must be approved by the Laramie County Attorney. Board meetings are held the first and third Tuesday of each month at 3:30 p.m. For questions, call 633-4266.

**RESOLUTION ADOPTING RULES ESTABLISHING HOURS OF
OPERATION FOR ALCOHOL SALES PURSUANT TO W.S. §16-3-103(b)**

WHEREAS, W.S. §12-5-101(d) authorizes the Board of Laramie County Commissioners to adopt rules regarding setting hours for sale of alcoholic beverages; and

WHEREAS in 2017, the Wyoming State Legislature made multiple changes to W.S. 12-1-101 et seq. regarding the sale of alcoholic beverages, and;

WHEREAS among the changes made was the vacation of the statutory provisions in W.S. 12-5-101 setting hours of operation for the sale of alcoholic beverages, and the;

WHEREAS prior to the changes, WS 12-5-101 mandated as follows:

(a) All licensees may, with the approval of the local licensing authority, open the dispensing room at 6:00 a.m. and shall close the dispensing room and cease the sale of both alcoholic and malt beverages promptly at the hour of 2:00 a.m. the following day. In addition, licensees shall clear the dispensing room of all persons other than employees by 2:30 a.m.

(b) Clubs holding liquor licenses may be exempt from the hours of operation specified in subsection (a) of this section by local ordinance or regulation of the appropriate licensing authority.

(c) The hours of operation designated in subsection (a) of this section may be modified on no more than four (4) days each calendar year by a resolution or agreement made each year by the appropriate licensing authority designating those dates during city or county fairs, rodeos, pageants, jubilees, special holidays or similar public gatherings when all licensees may operate their dispensing rooms for a period of twenty-four (24) hours beginning at 6:00 a.m.

WHEREAS, Wyoming Legislature eliminated all of the above language and replaced it with one sentence. Therefore, as of July 1, 2017, W.S. 12-5-101 will mandate as follows:

(d) Local licensing authorities may set hours of operation for alcohol sales provided that the hours of operation are uniformly applied to establishments similarly situated..

THE BOARD OF LARAMIE COUNTY COMMISSIONERS HEREBY FINDS: That the absence of regulated hours of operation for the sales of alcoholic beverages in Laramie County would have a negative impact on the health and general welfare of the citizens of Laramie County.

WHEREAS, W.S. § 16-3-103 and W.S. §§ 35-1-305(c) require 45 days public notice and a reasonable opportunity for public comment before the Board of Laramie County Commissioners may adopt, amend, or repeal rules and regulations or impose fees for services;

WHEREAS, the Board of Laramie County Commissioners have complied with the requirements of W.S. § 16-3-103(a) and W.S. §§ 35-1-305 (c);

NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF LARAMIE COUNTY, WYOMING, that the Board of Laramie County Commissioners adopts the Laramie County Alcohol Sales Hours of Operation Regulations as follows:

Pursuant to W.S. 12-5-101, effective beginning at midnight, 12:00 a.m., on December 6, 2017, the following is adopted and will be effective as the Laramie County Alcohol Sales Hours of Operation Regulation:

Licensees, as defined by W.S. 12-1-101(a)(vii), in unincorporated Laramie County may begin alcoholic or malt beverage sales in the licensed building at 6:00 a.m. and shall close and cease the sale of both alcoholic and malt beverages promptly at the hour of 2:00 a.m. the following day. In addition, licensees shall clear the licensed building of all persons other than employees by 2:30 a.m.

PRESENTED, READ AND ADOPTED this ____ day of December, 2017.

BOARD OF LARAMIE COUNTY COMMISSIONERS

Troy Thompson, Chairman

ATTEST:

Debra Lee, Laramie County Clerk

REVIEWED AND APPROVED AS TO FORM:



Mark T. Voss, Laramie County Attorney